



Final  
1/26/2021

## INDEPENDENT CITIZEN POLICE REVIEW BOARD

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### Minutes of the Regular CPRB Meeting Held on December 1, 2020 (Mtg. No. 228)

Online Zoom Webinar # 817 533 08328

Pittsburgh, PA 15219

Neighborhood: Citywide

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Video of the meeting: <https://cprbpggh.org/2735>

<p>Members Present:</p> <p>Dr. Emma Lucas-Darby Mr. Thomas C. Waters Vice Chair Mr. Elwin Green Dr. Mary Jo Guercio Sr. Patrice Hughes Ms. Karen McLellan, LEP Mr. Sheldon Williams</p> <p>Solicitor: Atty. William F. Ward</p> <p>Staff Present:</p> <p>Ms. Elizabeth C. Pittinger, Exec. Director Ms. Stephanie Dorman, Asst. Exec. Director Ms. Michelle Gamble, Lead Investigator Ms. Sherri Bridgett, Investigator Mr. David Ellwood, Investigator</p>	<p>Excused Members: None Absent: All present. Vacancy: None Excused staff: All present.</p>
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The entire meeting may be viewed here: [Independent CPRB Meeting 12/01/2020](#)

Dr. Lucas-Darby, Chair, called the online Zoom meeting to order at approximately 6:04 p.m.

Dr. Darby recognized all Board members as present. Public comments and questions will be addressed at the end of the meeting.

Dr. Darby informed the Board that Mr. Waters, Vice Chair, will Chair the meeting.

Mr. Waters called for a motion to approve the minutes of the regular Board meeting conducted on October 27, 2020. *A motion to approve the October 27, 2020, meeting minutes was offered by, Dr. Guercio seconded by Ms. McLellan & Sr. Patrice and the motion was approved unanimously.*

#### **Opening remarks by Chair:**

Mr. Waters recognized the day, December 1, as World AIDS Day. He acknowledged that police officers are also among the many people living with HIV or those whose lives have been lost to HIV.

## **Executive Director's Report:**

Ms. Pittinger reported on the passing of the Referendum on November 3, 2020 with the certified vote reported as 118,479 in favor and 32,781 opposed yielding a 78.33% electoral approval. The changes will leverage the power of the three independent entities in the City which are the City Controller, an elected office; the Commission on Human Relations (HRC), the other independent commission; and ourselves, the Independent Citizen Police Review Board (CPRB).

The measure directs the CPRB to partner with the City Controller to conduct performance audits of the Pittsburgh Bureau of Police (PBP). It also directs the Board to refer any complaint in which there is suspicion of unlawful discriminatory conduct to the Commission on Human Relations for their review. Ms. Pittinger has met with the Acting Director of the HRC and they've agreed to establish protocols that operate through a memorandum of understanding. Another amendment requires all Pittsburgh police officers to participate in CPRB investigations and failing to do so can be grounds for termination. The referendum also protects Board members from arbitrary, at will, removal by the Mayor. The provision requires removal for cause only, with the consent of City Council. This assures the Board can conduct its business without fear or favor.

The Densus contract for assistance with the after action review of the police management of protests, May 30 – June 1, 2020 was approved by City Council, 7- 2, and signed by the Mayor on November 9. The contract is under review by the City Law Department. It is our understanding that upon completion of that review the contract will be submitted to the parties for signature. At that point, the review will commence.

The CPRB website (cprbpgh.org) is undergoing a major re-design to make it more mobile friendly, more interactive and to include the CPRB's online journal, Pittsburgh Point of View/PPOV.

The City budget outlook is grim due to revenue losses related to the COVID-19 pandemic. The CPRB absorbed a 10% reduction in our operational budget but we did not lose any staff positions.

On November 5, 2020, staff met with a delegation participating in the Transparency & Accountability in Government project sponsored by the US Department of State, International Visitor Leadership Program. The delegation was comprised of delegates from Angola, Brazil, Guinea Bissau, and Sao Tome & Principe. On November 19, 2020, staff participated in a discussion about community/police relations with the Inclusion Group, LaRoche University.

## **Unfinished Business:**

The agreement with the Densus Group remains pending. Dr. Darby asked if it is expected to be signed by the beginning of the year. Pittinger replied that it's possible, depending on when the Law Department completes its review, but more likely toward the end of January.

Mr. Waters called for a motion to discuss a public hearing for the Kopy's Bar incident. *A motion to discuss the public hearing was offered by Mr. Williams seconded by Sr. Patrice and approved unanimously.*

*(Pursuant to the meeting with Chief Schubert and Assist. Chief Bickerstaff ([10/27/20 meeting link](#)))*

Mr. Waters relinquished the gavel to Dr. Darby during the discussion.

Mr. Waters stated that he does not want the Board to be in the business of solely finding fault with the police but to create transparency for the community and therefore he believes the public hearing is important to achieve that transparency. Dr. Darby added that when they voted at the beginning of the year it was a different time and she had a different expectation of a public hearing. Dr. Darby

observed that any public hearing must be structured and deliberate in its purpose. Sr. Patrice agreed with Dr. Darby, noting the responsibility to remain focused on the narrow purpose of a hearing. Mr. Williams expressed his belief that the need to hear from the community was much greater in the beginning of the year, but the public referendum has empowered the Board with the processes and ability to fulfill the public's expectation that previously the Board lacked. Dr. Guercio agreed with Mr. Williams, reiterating the Board's obligation to fulfill the referendum's mandate.

(The entire meeting may be viewed here: [Independent CPRB Meeting 12/01/2020](#))

Dr. Darby called for a motion to rescind the order for a public hearing at this time. A motion to rescind the concept of a public hearing at this time was offered by Ms. McLellan seconded by Sr. Patrice. Mr. Waters asked that the vote be taken and recorded individually. The vote was taken individually as follows: Dr. Guercio (Yes), Mr. Williams (Yes), Sr. Patrice (Yes), Ms. McLellan (Yes), Mr. Waters (No) and Mr. Green (Yes) with the provision that the Board remain open to the possibility of a public hearing in the future. Yes (5) No (1) NV (1).

Dr. Darby returned the gavel to Mr. Waters.

**New Business:**

Mr. Waters called for and received no new business.

**Case Review:**

Mr. Waters moved to the Case Review Agenda (copy attached). Each group of recommendations was voted upon as recorded on the attached Case Review Actions.

**Next Meeting**

Mr. Waters announced the time and location of the next Board meeting: Tuesday, January 26, 2020, at 6:00 p.m. via Zoom. Until further notice, due to COVID-19 precautions, Board meetings will remain virtual, on the Zoom platform and simulcast on You Tube ([cprb pgh](#)). The meeting link will be posted on the [CPRB website](#) and [CPRBPGH Face Book](#) and [Twitter @cprbpgh](#).

**Public Comment:**

Public comment may be viewed here: beginning at minute 45:30 of the video, [Independent CPRB Meeting 12/01/2020](#).

Mr. Waters called for a motion to adjourn, and the motion was offered by Mr. Williams and seconded by Ms. McLellan and the motion was adopted unanimously.

Respectfully Submitted,



Stephanie M. Dorman

Assistant Executive Director

Attachments (1):

1. 12/01/2020 Case Review Agenda

CPRB CASE REVIEW AGENDA 12/01/2020

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
<b>PUBLIC HEARING (0)</b>				
<b>FULL INVESTIGATION (2)</b>				
204-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16-1 (3.7) Truthfulness 16-1 (3.9)	Cx alleged the SOs falsely arrested her for a PFA violation in which she alleges that she was never served the PFA by the Wilkinsburg PD, and she said the officers wouldn't tell her why she was arrested.	Authorized full investigation	Preliminary evidence provides cause to advance the investigation.
192-20 Ellwood	Unbiased Policing 11-3 Use of Force 12-6, (3.1) Continuum of Control 12-8, (3.0)	Cx alleges the SO's racially profiled her son, the Victim. Cx states during a traffic stop the SOs punched the Victim in the face and pointed a gun at his head while using profanity towards him	Authorized full investigation	Preliminary evidence provides cause to advance the investigation.
<b>30 DAY EXTENSION OF FULL INVESTIGATION (0)</b>				
<b>UNSUSTAINABLE (0)</b>				
<b>UNFOUNDED (2)</b>				
197-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Neglect of Duty 16-1 (3.13)	The Cx alleges that on several occasions the SOs would not remove a female squatter (W#3) from her house and nothing is being done.	Dismissed as unfounded	The available evidence does not support the allegations.
170-20 Bridgett	Conduct Unbecoming a Member 16-1, (3.6) Conduct Toward the Public 16-1 (3.07) Neglect of Duty 16-1 (3.13)	The Cx alleges the SO refused to file charges against her neighbor for harassment that has taken place over a period of time.	Dismissed as unfounded	The available evidence does not support the allegations.
<b>OTHER – LACK OF COOPERATION (1)</b>				
233-19 Bridgett	Unbiased Policing 11-3 (4.1) Use of Force 12-6 (3.1) Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16-1 (3.7) Warrantless Searches & Seizures 45-2 (5.1)	Complainants allege they were profiled and stopped by police who used excessive force when confronting the Complainants.	Certified letters returned to Investigator. Phone messages have not been returned. Recent certified letter tracked to an out-of-town location indicating at least one complainant has relocated.  Closed due to lack of cooperation.	

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
<b>NEW SUSPENSIONS (9)</b>				
150-20 Bridgett	Conduct Unbecoming a Member 16-1, (3.6) Conduct Toward the Public 16-1 (3.07) Use of Force 12-6, (3.1)	The Cx alleges that the SO arrested her for having an open container of beer in her vehicle after she hit the car in front of her.	Authorized suspension until January 2021	Waiting for SO statements from OMI.
138-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Towards the Public 16-1 (3.7) Neglect of Duty 16-1 (3.13) Use of Force 12-6 (3.2)	Cx alleges the SO used excessive force when he punched him in the face 3 times while he was trying to get his disabled daughter on the school bus.	Authorized suspension until January 2021	Waiting for SO statements from OMI
130-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Property Room Procedures 36-2	Cx states that she was arrested at a protest on 5/30/20 and her personal items including a messenger bag were not returned.	Authorized suspension until January 2021	Waiting on a response from the Assistant Chief
122-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Towards the Public 16-1 (3.7) Use of Force 12-6 (3.2)	Cx alleges that a PBP mounted patrol officer kicked her in the back during a protest near the PPG Paints Arena and the encounter was captured on video.	Authorized suspension until January 2021	Waiting for SO statements from OMI
112-20 Bridgett	Unbiased Policing 11-3 Conduct Unbecoming a Member 16-1 (3.6) Conduct Towards the Public 16-1 (3.7)	Cx alleges that she was racially profiled after her vehicle was illegally pulled over and searched including the trunk and her purse.	Authorized suspension until January 2021	Waiting for SO statements from OMI and documents from the PBP
057-20 Ellwood	Unbiased Policing 11-3 Conduct Unbecoming a Member 16-1 (3.6) Use of Force 12-6 (3.2)	Cx alleges that the SO is harassing her and falsely arrested her.	Authorized suspension until January 2021	Waiting for SO statements from OMI and court documents
041-20 Ellwood	Use of Force 12-6 (3.2) Continuum of Control 12-8, (3.0)	Cx alleges that SOs used excessive force in their arrest of them during a domestic violence call to Cx daughter's home.	Authorized suspension until January 2021	Waiting for SO statements from OMI
003-20 Ellwood	Conduct Unbecoming a Member 16-1 (3.6) Conduct Towards the Public 16-1 (3.7) Neglect of Duty 16-1 (3.13)	Cx alleges that the SO and other unknown PBP officers have not done anything to investigate her son's death (the Victim) that occurred in April 2019 at her home.	Authorized suspension until January 2021	More time is needed for the investigation
230-19 Ellwood	Warrantless Searches and Seizures 45-2 (10.0) Use of Force 12-06 Motor Vehicle Stops 40-04 (03.2, 03.4)	Cxs state that their son was driving a legally titled and registered vehicle and that a PBP officer stopped the vehicle for suspicious driving when the son stopped at the side of the road.	Authorized suspension until January 2021	More time is needed for the investigation

\*\*\*Suspensions to Follow\*\*\*

**CONTINUED SUSPENSIONS (13)**  
**SUMMARIES PROVIDED UPON REQUEST OF MEMBER**

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	REASON FOR CONTINUED INVESTIGATION	POSSIBLE CLOSING DATE
05-20 Bridgett	Unbiased Policing 11-3 (4.1) Conduct Unbecoming a Member 16-1 (3.6) Conduct Towards the Public 16-1 (3.7) Truthfulness 16-1 (3.9) Motor Vehicle Stops 40-4 Warrantless Search & Seizures 45-2 (5.1) False Report 62-1 (2.10)	Waiting on SO statements	TBD
16-19 Bridgett	Conduct unbecoming a member 16-1 (3.6) Neglect of duty 16-1(3.13)	Witness 1 has not been apprehended and the CX is still out of the country.	TBD
29-19 Bridgett <b>(UPDATED 12-1-20)</b>	Obedience to orders/ laws 16-1 (3.1) Conduct unbecoming a member 16-1 (3.6) Insubordination, 16-1 (3.9) Truthfulness 16-1 (3.19) False report 62-1 (2.10)	Waiting on SO statements	TBD
038-19 Bridgett	Use of force, 12-6, 3.1 Conduct Unbecoming a Member 16-1 (3.6) Conduct Towards the Public 16-1 (3.7) Truthfulness 16-1 (3.19)	Reviewing SO statements	TBD
58-19 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Towards the Public 16-1 (3.7) Truthfulness 16-1 (3.9) Motor Vehicle Stops 40-4 (3.2) Warrantless Searches & Seizures 45-2 (5.1)	Waiting on witness statements	TBD
094-19 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Towards the Public 16-1 (3.7)	Waiting on SO statements.	TBD
095-19 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Incompetency 16-1 (3.12) Neglect of Duty 16-1 (3.9)	Waiting on SO statements.	TBD

CPRB CASE No. INVESTIGATOR	ALLEGATION(S)	REASON FOR CONTINUED INVESTIGATION	POSSIBLE CLOSING DATE
190-19 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16-1 (3.7) Police-Response-to-Domestic-Violence-Incidents 40-12	Waiting on SO statements.	TBD
233-19 Bridgett	<del>Unbiased Policing 11-3 (4.1) Use of Force 12-6 (3.1) Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16-1 (3.7) Warrantless Searches &amp; Seizures 45-2 (5.1)</del>	<del>Waiting on SO statements.</del>	<del>TBD</del> (12/01/20 RECOMMENDED DISMISSAL AS LACK OF COOPERATION)
06-20 Ellwood	Crash Response Investigations and Reports 41-03 (3.3.6, 3.4.4, 4.1.1, 4.1.3)	Waiting for SO statements.	TBD
102-19 Elwood	Conduct unbecoming a member 16-1 (3.6) Conduct towards the public 16-1 (3.7) Neglect of duty 16-1 (3.13)	Waiting on SO statements.	TBD
217-19 Ellwood	Conduct Toward the Public 16-01 (3.7) Arrest 44-1 Unlawful Search and Seizure 45-2	Waiting on SO statements.	TBD
248-17-ED Gamble	Conduct unbecoming a member 16-1 (3.6) Conduct towards the public 16-1 (3.7) Use of force 12-6 (3.1)	Waiting for Victim's Response & Formal Statement	TBD
87-18-ED Gamble	Use of Force 12-6 Discharge of firearms 12-7 Conduct unbecoming a member 16-1 (3.6) Truthfulness 16-1(3.19 Records/Reports/Files 62-1	Waiting for witnesses to cooperate.	TBD